

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

AUG 30 2023

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JUSTIN DOWNING, individually and  
on behalf of all others similarly situated,

Plaintiff - Appellant,

v.

LOWE'S COMPANIES, INC., a North  
Carolina corporation; et al.,

Defendants - Appellees.

No. 23-16102

D.C. No. 3:22-cv-08159-SPL  
U.S. District Court for Arizona,  
Prescott

**ORDER**

The Mediation Program of the Ninth Circuit Court of Appeals facilitates settlement while appeals are pending. See Fed. R. App. P. 33 and Ninth Circuit Rule 33-1.

By September 6, 2023, counsel for all parties intending to file briefs in this matter are requested to inform Roxane G. Ashe, Circuit Mediator, by email at roxane\_ashe@ca9.uscourts.gov, of their clients' views on whether the issues on appeal or the underlying dispute might be amenable to settlement presently or in the foreseeable future. **Counsel are requested to include the Ninth Circuit case name and number in the subject line.** This communication will be kept confidential, if requested, from the other parties in the case. This communication should not be filed with the court.

For more detailed information about the Mediation Program and its procedures generally, please see the Mediation Program website:

**[www.ca9.uscourts.gov/mediation](http://www.ca9.uscourts.gov/mediation)**.

**The existing briefing schedule remains in effect.**

FOR THE COURT:

Virna Sanchez  
Deputy Clerk

vs/mediation